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FILED

JUL - 3 2012

MICHAEL E. KUNZ, Clk.
By _____ Dep. Clerk

July 2, 2012

VIA FACSIMILE (215-597-6390)

The Honorable Eduardo C. Robreno
United States District Court
Eastern District of Pennsylvania
James A. Byrne Federal Courthouse
601 Market Street, Room 11614
Philadelphia, PA 19106-1720

*Order
to be filed & read*

AL 11-12-12

Re: Cuttic v. Crozer-Chester Medical Center
Civil Action No. 09-1461

Dear Judge Robreno:

I am writing on behalf of Plaintiff in the above-referenced matter, and pursuant to the Court's Order dated June 20, 2012, directing the parties to report to the Court on or before July 2, 2012, indicating whether they wish to elect to withdraw their currently proposed settlement agreement or request a hearing in open court on the fairness of the settlement. Although Defendant has elected to proceed in open court with the current settlement agreement, Plaintiff respectfully declines to do so.

Paragraph 1 of the parties' current settlement agreement states that the agreement is conditioned completely and entirely upon the Court's approval of the FLSA settlement based on an *in camera*, non-public review, and provides that "[a]ny requirement by the Court that this Agreement be filed publicly shall provide a basis for either party, in their discretion, to void this Agreement."

Based upon this provision, Plaintiff elects to withdraw the agreement at this time, as public disclosure of the agreement in its present form implicates other provisions of the agreement, which Plaintiff wishes to evaluate more fully in order to ensure that his legal rights are fully protected as initially contemplated.

Thank you for the opportunity to provide this information.

Respectfully submitted,

/s/ Gary F. Lynch

Gary F. Lynch

GFL/srf

cc: Christopher D. Havener (Via Electronic Mail)